

Approved June 18, 1999.
Effective August 30, 1999.

CHAPTER 1222

S.B. No. 657

AN ACT

relating to the development of water management strategies for periods of drought.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (h), Section 16.012, Water Code, is amended to read as follows:

(h) Within 90 days of completing a water availability model for a river basin, the commission shall provide to all holders of existing permits, certified filings, and certificates of adjudication in that river basin the projected amount of water that would be available[;] during a drought of record[; ~~when flows are at 75 percent of normal; and when flows are at 50 percent of normal.~~].

SECTION 2. Subsection (e), Section 16.053, Water Code, is amended to read as follows:

(e) Each regional water planning group shall submit to the board a regional water plan that:

(1) is consistent with the guidance principles for the state water plan adopted by the board under Section 16.051(d) ~~[of this code]~~;

(2) provides information based on data provided or approved by the board in a format consistent with the guidelines provided by the board under Subsection (d) ~~[of this section]~~;

(3) identifies:

(A) each source of water supply in the regional water planning area in accordance with the guidelines provided by the board under Subsections (d) and (f);

(B) factors specific to each source of water supply to be considered in determining whether to initiate a drought response; and

(C) actions to be taken as part of the response;

(4) has specific provisions for water management strategies to be used[;

~~[(A)] during a drought of record[;~~

~~[(B)] when flows are at 75 percent of normal; and~~

~~[(C)] when flows are at 50 percent of normal];~~

(5) ~~[(4)]~~ includes but is not limited to consideration of the following:

(A) any existing water or drought planning efforts addressing all or a portion of the region;

(B) certified groundwater conservation district management plans and other plans submitted under Section 16.054 ~~[of this code]~~;

(C) all potentially feasible water management strategies, including but not limited to improved conservation, reuse, and management of existing water supplies, acquisition of available existing water supplies, and development of new water supplies;

(D) protection of existing water rights in the region;

(E) opportunities for and the benefits of developing regional water supply facilities or providing regional management of water supply facilities;

(F) appropriate provision for environmental water needs and for the effect of upstream development on the bays, estuaries, and arms of the Gulf of Mexico and the effect of plans on navigation;

(G) provisions in Section 11.085(k)(1) ~~[of this code]~~ if interbasin transfers are contemplated;

(H) voluntary transfer of water within the region using, but not limited to, regional water banks, sales, leases, options, subordination agreements, and financing agreements; and

(I) emergency transfer of water under Section 11.139 ~~[of this code]~~, including information on the part of each permit, certified filing, or certificate of adjudication for nonmunicipal use in the region that may be transferred without causing unreasonable damage to the property of the nonmunicipal water rights holder; and

(6) ~~[(5)]~~ identifies river and stream segments of unique ecological value and sites of unique value for the construction of reservoirs that the regional water planning group recommends for protection under Section 16.051 ~~[of this code]~~.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on March 25, 1999: Yeas 31, Nays 0; passed the House on May 26, 1999: Yeas 144, Nays 0, two present not voting.

Approved June 18, 1999

Effective June 18, 1999.

CHAPTER 1223

S.B. No. 658

AN ACT

relating to the dates by which regional and state water plans must be adopted.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (c), Section 11.134, Water Code, is amended to read as follows:

(c) Beginning *January 5, 2002* ~~[September 1, 2001]~~, the commission may not issue a water right for municipal purposes in a region that does not have an approved regional water plan in accordance with Section 16.053(i) ~~[of this code]~~ unless the commission determines that conditions warrant waiver of this requirement.

SECTION 2. Subsection (a), Section 16.051, Water Code, is amended to read as follows:

(a) No later than *January 5, 2002* ~~[September 1, 2001]~~, and every five years thereafter, the board shall adopt a comprehensive state water plan that incorporates the regional water plans approved under Section 16.053 ~~[of this code]~~. The state water plan shall provide for the orderly development, management, and conservation of water resources and preparation for and response to drought conditions, in order that sufficient water will be available at a reasonable cost to ensure public health, safety, and welfare; further economic development; and protect the agricultural and natural resources of the entire state.

SECTION 3. Subsections (i) and (j), Section 16.053, Water Code, are amended to read as follows:

(i) The regional water planning groups shall submit their adopted regional water plans to the board by *January 5, 2001* ~~[September 1, 2000]~~, for approval and inclusion in the state water plan. In conjunction with the submission of regional water plans, each planning group should make legislative recommendations, if any, to facilitate more voluntary water transfers in the region. Subsequent regional water plans shall be submitted at least every five years thereafter. Public participation for revised regional plans shall follow the procedures under Subsection (h) ~~[of this section]~~.

(j) The board may provide financial assistance to political subdivisions under Subchapters E and F of this chapter, ~~[and]~~ Subchapters C, D, E, F, and J, Chapter 15, and Subchapters D, I, K, and L, Chapter 17, ~~[of this code]~~ for water supply projects only if: